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great importance for the assistance it gives in interpreting our Interstate Commerce acts. The article on Conflict of Laws is an adequate and illuminating treatment of the topic, based (as every English treatment of the subject must be) on Professor Dicey's remarkable book, and adopting his conclusions and even his form of statement on such controverted points, for instance, as the law governing the essential validity of contracts. The article on Contempt contains an excellent statement of the law of criminal contempts, and (from our point of view) a rather inadequate treatment of contempt in violating an order of court; but it throws little light on the vexed problem of procedure for the punishment of contempts. The more settled practice of the English courts has enabled them to deal satisfactorily with a matter which to us is full of danger. The article on Contracts is a sound and adequate treatment of the general principles, and includes a treatment of Quasi-contract under the title of "constructive contracts." In the article "Corporations" it is interesting to note that Companies are included, thus following the view adopted in the American cases; and that corporations *de facto* appear to play no part in unsettling the theories of English lawyers, though the article "Companies" may deal with them.

The undertaking has covered, at the end of the eighth volume, a portion of the alphabet which in other similar works has occupied one quarter of the whole. It would seem, therefore, that the whole work is likely to extend to about thirty volumes. If the others are as well done as these, the projectors of the work will certainly deserve the gratitude of the legal profession.

J. H. B.

EQUITY ALSO THE FORMS OF ACTION AT COMMON LAW. Two courses of lectures by F. W. Maitland. Edited by A. H. Chaytor and W. J. Whittaker. Cambridge: at the University Press. 1909. pp. xvi, 412.

We are doubly indebted to Messrs. Chaytor and Whittaker, not only for unexpected access to another work of a great legal historian, but also for an interesting sidelight thrown on his ability to present a body of living law. We in this country have perhaps been accustomed to think of Professor Maitland too much as an expositor of the development of the law in the past, rather than of its present structure. This book consists of twenty-one lectures on equity and seven lectures on the forms of action at common law, delivered to students at Cambridge University, and fully written out by him some years ago, the task of the editors being to incorporate the author's later marginal notes and to collect in footnotes some of the more important cases since his death. The first three lectures on equity deal with its origin and history: then follow five lectures on the creation of trusts, express, implied, resulting, and constructive; then four more on the nature of equitable estates and the present relations of equity and the common law; while the last part of the course deals with satisfaction and ademption, administration, conversion, election, specific performance, injunctions, and mortgages.

While there is much of interest to which to call attention in Professor Maitland's historical treatment of equity, we may specially refer the reader to the origin of uses, pp. 23-33. Why was there not a remedy in contract against the disloyal feoffee, he asks. One answer he finds in the more efficient remedy of the Chancellor on behalf of the *cestui que use* against the feoffee. That remedy was already in the field when the courts of common law in the fifteenth century evolved the action of assumpsit. Professor Ames has pointed out that the remedy by covenant in the few charters of feoffment in which a covenant appeared may fairly be said to have counted for nothing. 21 HARV. L. REV. 264. For this, and for other reasons (pp. 30, 31), the sole remedy of the beneficiary originated and has always remained in Chancery by subpoena. The personal nature of the right in equity is emphasized throughout. Equity does not claim that the *cestui* is the owner of the *res* and thus conflict with the law's view of the trustee as owner. It does not say to

the law, "Your rule is an absurd, an obsolete one." On the contrary it says, "Yes, of course that is so, but it is not the whole truth," for, it goes on, it is true that your friend is the owner but he is bound by one of those obligations known as trusts (pp. 17, 19, 112, 130). The method of teaching the modern doctrines of equity is from a practical point of view. Many of the cases cited have arisen since 1900, and everywhere the student's attention is called to the bearing of the statutory changes.

"The forms of action we have buried, but they rule us from their graves." In the seven lectures at the end of the book the author shows how the classification of the forms of action have grown and died to make way for a rational classification of causes of action. His theme calls largely for historical consideration, which is delightfully executed. With the present tense he leads us back into the past. Brief treatment and a student audience make necessary wider and more dogmatic generalizations than we find in the History of English Law. Not many qualifications can find a place here; yet the reader is constantly warned by phrases such as "here we hear a hint of," or, "we seem to catch the thought," of the true weight of statements. The style is charming, and the points clearly made. A line or two at the end of a discussion summarizes it in a well-turned phrase. For instance, in his consideration of the distinction between the writ of right and the assize of novel disseisin he ends by saying of the successful plaintiff in the proprietary action, "the court will help him to his own though it has punished him for helping himself" (p. 322). Indeed an admirable method of approaching the greater work of the author and Sir Frederick Pollock is to read first these lectures.

In general the treatment of all the subjects is brief. Twenty-one lectures is a narrow space in which to deal even cursorily with trusts, specific performance, and injunctions. Many of the cases have complicated facts, difficult to explain to students who meet them for the first time in the class room. Yet we do not need the preface to assure us how Professor Maitland commended himself to his pupils. Of this the single-mindedness of the editors and their associates in their labor of love, carefully and judiciously performed, is sufficient proof. J. W.

A TREATISE ON THE RULES AGAINST PERPETUITIES, RESTRAINTS ON ALIENATION AND RESTRAINTS ON ENJOYMENT IN PENNSYLVANIA; with a particular discussion of Spendthrift Trusts, Married Women's Trusts, Accumulations, and Gifts to Charities. By Roland R. Foulke. Philadelphia: George T. Bisel Company. 1909. pp. xxxii, 548.

The decisions of a single state upon a particular topic, and more especially the Rule against Perpetuities, form but a fragmentary and imperfect body of law. Litigation tends to pursue the course marked out by previous decisions, exaggerating the importance of principles established and ignoring the bearing of principles which have not yet received the sanction of local precedent. To correct this tendency requires a return to first principles, an orientation from the vantage ground of the common law. In this work, the author, unlike most writers of textbooks on local law, has not merely transcribed the decisions which he has found; he has tested them by the standards of the common law, and filled in the principles not yet ruled, so as to exhibit the decided cases in their true perspective. His criticisms are supported by elaborate and skilful arguments, without, however, leaving the reader in doubt as to what the law actually is. Altogether the book is a scholarly and accurate analysis of the decisions in a branch of the law in which more than ordinary confusion prevails. It presents a thorough contrast to the hastily prepared commercial products being daily marketed as law books.

The author has performed for the legal profession of Pennsylvania a service such as was rendered by Mr. Kales in his Conditional and Future Interests, and Illegal Conditions and Restraints in Illinois. Like Mr. Kales, he justly acknowl-